

Serial No. 09/862,914 - Magine, et al.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Daniel Pihulic
(703) 306-4168 (ph), (703) 872-9326 (fax: non-final response)
Inventors: Daniel J. Magine and Kevin D. Kaschke
Docket No.: DJM0001
Appln. No.: 09/862,914
Filing Date: May 22, 2001
Entitled: Underwater Alert System

Priority Date: None
Group Art Unit: 3662

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October 21, 2002

Amendment and Response

Honorable Assistant Commissioner of Patents
Washington, D.C. 20231

1. Responsive to the first office action dated July 5, 2002 for the above-identified patent application, the applicants hereby submit the present amendment and response.

2. The Examiner requested that the Applicant check the present application to determine the presence of all possible minor, informal errors. The Applicant has amended the specification and FIGs. 5 and 11 to correct minor, informal errors. One error relates to the correspondence between the reference numbers for the Rx Amplifier 108 and the Receiver (Rx) 128 in the specification and as shown in FIGs. 5 and 11.

3. The Examiner rejected claims 52 and 53 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Applicant has amended claim 52 to be dependent on claim 50, rather than on 55, to overcome this rejection.

4. The Examiner objected to the Abstract of the Disclosure for exceeding 250 words. The Applicant has amended the Abstract of the Disclosure to not exceed 250 words.

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5. The Examiner rejected claims 1, 2, 5, 6, 9-15, 17, 19, 20, 35, 36, 39, 40, 43, 44, 46, 47, 51-53, 55, 56, 59, 62, 63, 66-69, 71, 73, 74, 77, and 78 under 35 U.S.C. 102(b) as being anticipated by Gardos. The Examiner also rejected claims 3, 4, 21-34, 37, 38, 41, 42, 48, 49, 57, 58, 60, 61, 75, and 76 under 35 U.S.C. 103(a) as being anticipated over Gardos in combination with Comerford, et al.. The Examiner also rejected claims 7, 8, 41, 42, 64, and 65 under 35 U.S.C. 103(a) as being anticipated over Gardos in combination with Hirsch. The Examiner also objected to claims 16, 18, 31, 54, 70, and 72 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Responsive to the telephone interview between the Examiner and the Applicant on July 25, 2002, the Examiner withdrew the rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) and indicated that claims, 1-78, as filed, are allowable.

6. The Applicant has amended claim 77 to correct the grammar by changing "an" to "a" in the preamble.


7. The Applicant added new claims 79-102 that are dependent on at least one of allowed claims 1-78. Therefore claims 79-102 should be allowable. Claims 79 and 80, 87 and 88, 95 and 96, are supported in the present specification on at least page 11, line 32 – page 12, line 15. Claim 81, 89, and 97 are supported in the present specification on at least page 12, lines 17-29. Claim 82, 90, and 98 are supported in the present specification on at least page 21, lines 26-27. Claim 83, 91, and 99 are supported in the present specification on at least page 21, lines 27-30. Claim 84, 92, and 100 are supported in the present specification on at least page 21, lines 30-32. Claim 85, 93, and 101 are supported in the present specification on at least page 17, lines 7-14. Claim 86, 94, and 102 are supported in the present specification on at least page 26, line 1-3.

The Applicant added independent claim 103, which is a combination of allowed claim 1 and at least one other claim that is dependent on claim 1. Therefore, claim 103 should be allowable. Claims 104-129 are dependent on claim 103, and should be allowable.

The Applicant added independent claim 130, which is based on allowed claim 1. Therefore, claim 130 should be allowable. Claims 131 and 132 are dependent claim 130, and should be allowable.

The Applicant added claims 133-182 that relate to the third embodiment of the present invention, as described in the present specification, for example, on page 33, line 26 to page 36, line 32, and shown in FIGs. 13 and 14. In the telephone interview between the Examiner and the Applicant on July 25, 2002, the Examiner indicated that claims directed to the third embodiment may be added to the present application and should be allowable.

Therefore, all new claims 79-182 should be allowable.



The Applicant encloses the appropriate fee for the newly added claims. Note that the enclosed fee is short by the fee for one independent claim because the Applicant mistakenly paid for one extra independent claim when the present application was filed.

8. The Applicant provides an amended specification and claims as a marked up version showing additions in red, as underlined, and deletions in blue, as a strikethrough. No new matter has been added by this amendment.

9. The Applicant respectfully request that the claims be renumbered to permit the new dependent claims 79 – 102 to be grouped closer to the claims on which they depend.

10. The Applicant amended FIGs. 5 and 11 to provide proper correspondence between the Rx Amplifier 108 and the Receiver (Rx) 128, as referred to in the specification, and as shown in FIGs. 5 and 11. A separate letter to the Official Draftsperson is enclosed herewith.

11. The Applicant added a summary of the preferred embodiments under section "I" at the end of the specification using the language of the Abstract, as filed.

12. The Applicant encloses herewith a petition for a one month extension of time and the associated fee.

13. Any inquiry related to this response should be communicated to Daniel J. Magine at the address and phone number presently on file with the USPTO.

Respectfully submitted,
Daniel J. Magine, et al.

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